

REMARKS

Claims 1-11 are pending in this application. Replacement Figure 6 is submitted. Claims 1, 2, 7 and 10 are amended. Claim 11 is added. The amendments do not add new matter and require no further search. Thus, entry of the amendments at this time is proper. Favorable reconsideration and allowance of the present application are respectfully requested. These amendments, in conjunction with the following remarks, are believed to place the application in immediate condition for allowance. Entry of these amendments and favorable consideration of the application respectfully are requested in view of the foregoing amendments and the following remarks.

Though claims 1, 2, 7 and 10 are amended, Applicant does not concede that the Office Action's statutory rejections are proper. The amendments are understood not to narrow the scope of the claimed embodiments nor have they been made for reasons related to patentability. Rather, the amendments are made to clarify the claimed embodiments. Thus, in future construction or interpretation, the amended claims should be entitled to a full range of equivalents.

Drawings

Applicant submits a Replacement Figure 6 in response to the approved drawing correction noted in the Office Action.

Applicant labels Figure 6 as "Conventional Art."

Rejections

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-3, 5 and 7-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Applicant's background (the Background).

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by the Background in view of U.S. Patent No. 6,311,123 (Okano et al.). Claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly rendered obviousness by the Background in view of U.S. Patent No. 6,336,073 (Ihara et al.). The Office Action has been made Final with these rejections. Applicant respectfully traverses the rejections in view of the foregoing amendments and the following remarks.

Indefiniteness

Claims 1-6 are rejected as allegedly being indefinite. The Examiner suggests that claim 1 be amended for clarity. Applicant amends claim 1 in accordance with the Examiner's suggestion. Thus, the objection is rendered moot. Applicant respectfully requests that the Examiner withdraw the indefiniteness rejections.

Anticipation

Claims 1-3, 5 and 7-10 are rejected as allegedly anticipated by the Background. To anticipate, the cited reference must disclose each and every element of the claimed invention. The Office Action alleges that Figs. 6 and 7 show each and every element of the claimed invention. Applicant respectfully traverses.

Applicant maintains that the Background does not disclose each and every element of independent claims 1, 7 and 10. Specifically, the Background does not disclose that a first type of road as indicated by a first road attribute and a second type of road as indicated by a second road attribute, wherein the first type of road differs from the second type of road according to the first road attribute and the second road attribute. Applicant also maintains that the Background does not disclose other features of the claimed invention, but, only to advance prosecution, Applicant amends the claims to further distinguish the present invention from the Background.

The Background relates to a conventional navigation device for a vehicle. The Background describes a pre-screening process performed prior to the performance of the navigation to set the disk unit to a standby condition after the pre-screening process. Page 2, lines 11-13. A user can gain access to the map data relating to the route stored in memory of a data buffer. Page 3, lines 16-18. No data of map units other than the route link maps units and the adjacent map units is stored in the memory of the data buffer. Page 3, lines 18-21. Further, as noted in Fig. 7, map data of a route link map unit includes a route link and map data of eight adjacent link map units that are read out and stored in the memory of a data buffer. The Background does not disclose the first type of road that is indicated by a first road attribute and a second type of road that is indicated by a second road attribute, such that a first map and a second map are associated with the type of road.

The Background also does not disclose the feature that the first type of road as indicated by a first road attribute and the second type of road as indicated by a second road attribute, wherein the first type of road differs from the second type of road according to the first road attribute and the second road attribute. Referring to Fig. 6 of the Background, the depicted route is not broken into different types of roads, such as a

general road section and a throughway section. The Office Action compares Fig. 6 to Fig. 2. Fig. 6, however, is not identical to Fig. 2 in at least this respect. As recited in the claims, the first type of road is indicated by a first road attribute and the second type of road is indicated by a second road attribute. The attribute is attached to the type of road within the route. Applicants maintain that the Background does not disclose the route having different roads with different attributes.

Claims 7 and 10 recite "the driving route has a first road type and a second road type and is divided into ranges, each range receiving an attribute depending on a classification of the road type within the range, and wherein the amount of map data stored in the data buffer is dependent on the attribute associated with each range of the driving route." Applicant maintains that the Background also does not disclose this feature. As noted above, the Background describes that no data of map units other than the route link map units and the adjacent map units is stored in the data buffer. In contrast, claims 7 and 10 recite an attribute for each range. The amount of data stored in the data buffer is dependent on the attribute. The Background does not disclose this feature in storing map data in the data buffer. Thus, all the features of claims 7 and 10 are not disclosed by the Background. Therefore, for at least these reasons, the Background does not disclose each and

every element of the claimed invention, and Applicant respectfully requests that the Examiner withdraw the anticipation rejections.

Obviousness

Claim 4 is rejected as allegedly rendered obvious by the Background in view of Okano. Moreover, claim 6 is rejected as allegedly rendered obvious by the Background in view of Ihara. Claim 4 depends from claim 3, which depends from claim 1. Claim 6 depends from claim 1.

As noted above, claim 1 is distinguishable over the Background. Further, the Background does not suggest those features missing from the Background that are recited and amended claim 1. Thus, claim 1 is not rendered obvious by the Background. If an independent claim is non-obvious, than any claim depending from the independent claim is not obvious. MPEP 2143.03. Thus, claims 4 and 6 are not rendered obvious for at least these reasons.

Further, Okano and Ihara do not disclose or suggest those features of claim 1 that are missing from the Background. Okano relates to road selecting and editing using a shortest path tree. Ihara relates to an information terminal device and method for route guidance. Neither Okano nor Ihara disclose or suggest that a first type of road is indicated by a first road attribute and a second type of road is indicated by a second road attribute, wherein the first type of road differs from the second type of road

according to the first road attribute and the second road attribute. Thus, for at least these reasons, claims 4 and 6 are not rendered obvious, and Applicant respectfully requests that the Examiner withdraw the obviousness rejections.

New claim 11 is submitted to advance additional embodiments of the present invention. New claim 11 recites features similar to claim 1, and distinguishes over the applied references. Thus, Applicant maintains that claim 11 is allowable for the reasons given above.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William F. Nixon (Reg. No. 44,262) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Appl. No. 09/988,318

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: One (1) Replacement Sheet (Fig. 6)